

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:

Judge John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888
<http://www.jpml.uscourts.gov>

August 6, 2007

TO CLERKS OF THE FOLLOWING U. S. DISTRICT COURTS:

NORTHERN DISTRICT OF CALIFORNIA
DISTRICT OF NEW JERSEY

MDL-1856 -- IN RE Depo-Provera Products Liability Litigation

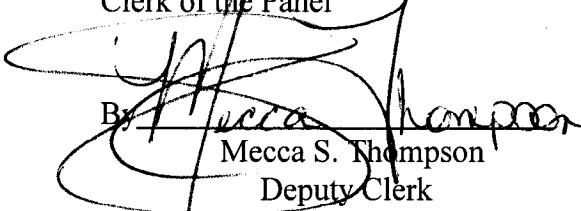
(See Attached Schedule A of Order)

Dear Clerks:

I am enclosing a certified copy of an order filed today by the Panel in the above matter.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel


By Mecca S. Thompson
Mecca S. Thompson
Deputy Clerk

Enclosure

cc: Transferor Judges: Judge Saundra Brown Armstrong
Judge Mary Little Cooper

A CERTIFIED TRUE COPY

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

AUG - 6 2007

FILED
CLERK'S OFFICE.

ATTEST: *[Signature]*
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN/RE: DEPO-PROVERA PRODUCTS
LIABILITY LITIGATION

MDL No. 1856

ORDER DENYING TRANSFER

Before the entire Panel*: Plaintiffs in the Northern District of California actions have moved, pursuant to 28 U.S.C. § 1407, for coordinated or consolidated pretrial proceedings of this litigation in the District of New Jersey. This litigation currently consists of three actions listed on Schedule A, two actions in the Northern District of California and one action in the District of New Jersey.¹ Defendants oppose centralization, but if the Panel deems centralization to be appropriate, support the selection of the District of New Jersey as transferee district.

On the basis of the papers filed and hearing session held, we are not persuaded that Section 1407 centralization would serve the convenience of the parties and witnesses or further the just and efficient conduct of this litigation. This motion involves only three actions. One action is a medical monitoring putative class action, while the other two actions are personal injury actions, which have already been consolidated before one judge in the Northern District of California. The proponents of centralization have failed to convince us that any common questions of fact among these three actions are sufficiently complex and/or numerous to justify Section 1407 transfer at this time. Alternatives to transfer exist that may be able to minimize whatever possibilities there might be of duplicative discovery and/or inconsistent pretrial rulings. *See, e.g., In re Eli Lilly and Company (Cephalexin Monohydrate) Patent Litigation*, 446 F.Supp. 242, 244 (J.P.M.L. 1978); see also *Manual for Complex Litigation, Fourth*, § 20.14 (2004).

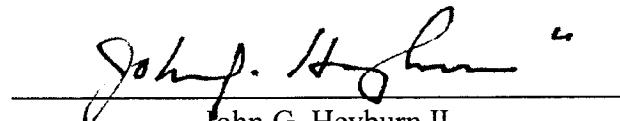
IT IS THEREFORE ORDERED that the motion, pursuant to 28 U.S.C. § 1407, for centralization of these three actions is denied.

* Judge Scirica did not participate in the decision of this matter.

¹ The Panel also has been notified that at least seven other related actions have been filed in multiple districts.

-2-

PANEL ON MULTIDISTRICT LITIGATION


John G. Heyburn II
Chairman

D. Lowell Jensen
Robert L. Miller, Jr.
David R. Hansen

J. Frederick Motz
Kathryn H. Vratil
Anthony J. Scirica*

**IN RE: DEPO-PROVERA PRODUCTS
LIABILITY LITIGATION**

MDL No. 1856

SCHEDULE A

Northern District of California

Cindy Winward v. Pfizer Inc., et al., C.A. No. 4:07-878
Kimberly Cable v. Pfizer Inc., et al., C.A. No. 4:07-879

District of New Jersey

Priscilla D. Riddell, et al. v. Pfizer Inc., et al., C.A. No. 3:06-5418